

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

ONLY AL-KHIDHR

PLAINTIFF

VERSUS

CAUSE NO.: 1:07-CV-01223-LG-RHW

HARRISON COUNTY, MISSISSIPPI, *et al*

DEFENDANTS

**PLAINTIFF'S RESPONSE TO DEFENDANT GEORGE
PAYNE'S MOTION FOR SUMMARY JUDGMENT**

COMES NOW Plaintiff, Only Al-Khidhr, by and through his attorney of record, Alvin Chase, and files this his Response to Defendant George Payne's Motion for Summary, and would show unto this Honorable Court the following, to-wit:

1. Plaintiff's arguments and authorities in support of his Response to Defendant George Payne's Motion for Summary Judgment are more fully set forth in the accompanying Memorandum in Support of Plaintiff's Opposition to Defendant George Payne's Motion for Summary Judgment.

2. Supporting Plaintiff's Response are the following exhibits in addition to [241-1] Affidavit of Sheriff George Payne, Jr., to include the exhibits attached thereto:

Exhibit "1" Uniform Arrest/Booking Form, 10/04/05; HCSD Narrative Form, Reporting Officer Moore, 10/04/05; Use of Force Report, 10/04/05; Booking Intake medical Questionnaire, 10/04/05; Health Assurance, LLC, Nurses' Notes, 10/04/05

Exhibit "2" Criminal Bill of Information, Plea Agreement, and Transcript of Plea Hearing in *USA v. Morgan Thompson*, Criminal No. 1:06cr116, US District Court, Southern District of Mississippi, Southern Division

Exhibit “3” Criminal Information and Judgment in Criminal Case in *USA v. Timothy Brandon Moore*, Criminal No. 1:07cr68, US District Court, Southern District of Mississippi, Southern Division

Exhibit “4” Excerpt of George Payne’s Deposition in *Kasey D. Alves vs. Harrison County Mississippi, et al*, Civil No. 1:06cv912, US District Court for the Southern District Court of Mississippi, Southern Division

Exhibit “5” 7th Supplemental Report of Steve J. Martin Prepared for the U.S. Department of Justice Civil Rights Division/Special Litigation Section on the Harrison County Detention Center, Gulfport, MS February 1, 2005

Exhibit “6” Excerpt Deposition of Supervisor William Martin, *Kasey D. Alves vs. Harrison County Mississippi, et al*, Civil No. 1:06cv912, US District Court for the Southern District Court of Mississippi, Southern Division

Exhibit “7” Excerpt Deposition of Supervisor Robert Eleuterius, *Kasey D. Alves vs. Harrison County Mississippi, et al*, Civil No. 1:06cv912, US District Court for the Southern District Court of Mississippi, Southern Division

Exhibit “8” Excerpt Deposition of Supervisor Charles Larry Benefield, *Kasey D. Alves vs. Harrison County Mississippi, et al*, Civil No. 1:06cv912, US District Court for the Southern District Court of Mississippi, Southern Division

Exhibit “9” Report of Plaintiff’s Expert Witness, William Drechsel

3. Plaintiff further relies upon and incorporates herein his Memorandum of Authorities being filed with the Court contemporaneously herewith.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff, Only Al-Khidhr, prays that this Honorable Court will enter its order denying Defendant George Payne’s Motion for

Summary Judgment and any other defendant who joined in said motion and that Plaintiff's claims be presented to a jury during the trial of this cause.

RESPECTFULLY SUBMITTED, this the 25th day of October, 2010.

ONLY AL-KHIDHR
Plaintiff

BY: CHASE CHASE & ASSOCIATES, PLLC

BY: /s/Alvin Chase
ALVIN CHASE (MSB #5968)

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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have this day electronically filed a true and correct copy of the Plaintiff's Response to Defendant George Payne's Motion for Summary Judgment with the Clerk of Court using the ECF system which sent notification of such filing to the following:

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Dated, this the 25th day of October, 2010.

/s/Alvin Chase
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